

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

HUNTINGTON NATIONAL BANK,

Case No. 1:02 CV 0572

Plaintiff,

Hon. Richard Alan Enslen

vs.

KENNETH VANDENBERG, an individual,
MICHAEL ANDREW MC CANN, an individual
ALL SPORTS ADMINISTRATIVE PROGRAMS,
INC., a Michigan Corporation.

Defendants.

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**ORDER APPROVING STIPULATION TO SETTLE CLAIMS AGAINST
DEFENDANTS KENNETH VANDENBERG AND
ALL SPORTS ADMINISTRATIVE PROGRAMS, INC., ONLY**

The above matter being brought on before the Court on Plaintiff's motion to dismiss claims against Defendants Vandenberg and All Sports Administrative Programs, Inc., **only**, and the Court being fully advised in the premises therein;

IT IS HEREBY ORDERED that the Motion is approved and this action is

dismissed with prejudice and without costs, as to Defendants Vandenberg and All Sports, **only**, subject to the following exceptions:

- A. The dismissal is not an adjudication on the merits and shall not prejudice Plaintiff's right to pursue recovery of claims against Defendant McCann;
- B. In the event that either Defendants Vandenberg and/or All Sports file a petition under the bankruptcy code, Plaintiff may file an action to object to discharge or determine the dischargeability of this obligation. In connection with such action, the dismissal of Plaintiff's claims against Defendant shall be deemed without prejudice to such bankruptcy adversary proceedings even though the adversary proceedings may be based on the same facts or circumstances or legal claims asserted in the Complaint or Amended Complaint;
- C. In the event that either Defendant Vandenberg and/or All Sports are charged in criminal proceedings, Plaintiff does not waive any right to request, receive or enforce restitution; and
- D. In the event of a default under the Settlement Agreement executed by Plaintiff and Defendants Vandenberg and All Sports, this dismissal shall not prejudice enforcement of the Settlement Agreement.

Dated: November 22, 2004

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
United States District Judge

APPROVED FOR ENTRY:

/s/ Ronald J. Vander Veen
Ronald J. Vander Veen

/s/ Lee T. Silver
Lee T. Silver

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